

## **REMARKS**

Claims 1, 4-13, 15-19, and 21 are now pending in the application with Claims 2, 14, and 20 being cancelled herein. Minor amendments have been made to the Abstract to simply overcome the objections to the specification and rejections of the claims under 35 U.S.C. § 112. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson et al. (U.S. Pat. No. 6,264,227) in view of Gerzanich (U.S. Pat. No. 3,884,019). In view of the amendments and arguments herein, this rejection is respectfully traversed.

The Examiner's attention is directed to amended independent Claims 1 and 9. These claims describe a turf care machine having body portions with front and rear sections which are coupled by an articulating joint. The turf care machine further has a track drive which exerts less than 8 p.s.i. onto a turf grass surface.

Applicants note that the references alone or in combination do not teach these limitations. In this regard, the Gerzanich reference teaches a treaded driven vehicle having a forward rotary cutting head. It does not, however, teach an articulated body with a mower deck. The Gerzanich reference describes a system for cutting vegetation on a steep incline. The Gerzanich reference seeks to overcome the problems of the prior art where the mower "ploughs" or digs up the turf as opposed to cutting it. No mention is made of reducing the force on a turf grass surface using treads.

Johnson, on the other hand, discloses a tread driven articulating work vehicle. The Johnson reference is directed to heavy duty vehicles such as front loaders, back hoes, and apparently heavy agricultural equipment. It does not teach a treaded turf care machine which exerts less than 8 p.s.i. on the turf to prevent compaction of the turf. The Examiner's attention is directed to paragraph [20] of the instant applicant which shows that 8 p.s.i. is approximately equal to the pressure indicated by a human walking on the turf surface.

Regarding the rejections of Claims 3 and 20 which contain this limitation, the Office Action states that "discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617F.2d 272, 205 USPQ 215 (CCPA 1980). The CCPA *In re Boesch* was describing a situation wherein Applicant was attempting to claim an optimized metallurgical composition which overlapped a previously known range of composition. With regard to the instant case, nowhere within the cited references is any mention made to reduce the amount of pressure onto a ground surface. Further, there is no mention of eliminating the compression of turf grass by applying a pressure of less than about 8 p.s.i.

While the Office Action attempts to argue that reducing the pressure on turf grass is in itself a motivation to combine the references, "there is an important distinction between general motivation to cure...and motivation to create a particular cure and recognition of the problem of treating...(which) does not render obvious the eventual solution". See 72 USPQ 133, *Cardiac Pacemakers Inc. v. St. Jude Medical Inc.* (CAFC 2004). There is simply no recognition of the problem of compaction of turf grass in

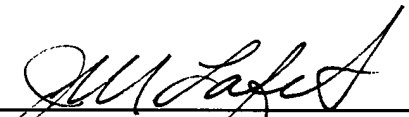
either of the references and, therefore a combination of the references to formulate a rejection under 35 U.S.C. § 103 is improper.

#### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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